

House Study Bill 57

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration by providing when candidates to fill county
3 office vacancies are to be nominated at the primary election,
4 relating to signature requirements on nomination petitions,
5 requiring legislative council approval of certain expenditures
6 for implementation of the Help America Vote Act, relating to
7 use of substitute precinct election officials, relating to
8 ballot printing requirements, modifying closing hours of the
9 polls, modifying identification requirements at the polls,
10 providing grounds for challenging a voter's qualifications,
11 relating to preparation of tally lists, modifying the deadline
12 for filing certain presidential nomination documents,
13 prohibiting candidates or incumbents from being observers when
14 absentee ballots are counted, clarifying that certain confined
15 persons may vote an absentee ballot in person at the
16 commissioner's office, exempting military and overseas voters
17 from the identification and verification requirements for mail
18 voter registrants, relating to multiple requests for an
19 absentee ballot for a military and overseas voter, relating to
20 changes of address and replacement absentee ballots for
21 military and overseas voters, exempting military and overseas
22 voters from absentee ballot return restrictions, allowing
1 certain military voters to return absentee ballots from within
2 the United States, modifying the time period relating to
3 counting federal write-in ballots after an application for a
4 regular absentee ballot is received from the same voter,
5 repealing provisions that allow voting at satellite absentee
6 voting stations, defining voter registration list, relating to
7 signature requirements on voter registration applications,
8 including the social security administration as a verification
9 source for certain voter registration information, specifying
10 the county commissioner as the official responsible for voter
11 registration verification, limiting the dates of special
12 elections on public measures for certain political
13 subdivisions and school corporations, providing for the
14 biennial election of directors of local school districts, area
15 education agencies, and merged areas, and including effective
16 date, applicability date, and transition provisions.
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
18 TLSB 1579YC 81
19 sc/sh/8

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1 1 DIVISION I
1 2 GENERAL PROVISIONS RELATING
1 3 TO CONDUCT OF ELECTIONS

1 4 Section 1. Section 43.6, subsection 2, Code 2005, is
1 5 amended to read as follows:
1 6 2. When a vacancy occurs in the office of county
1 7 supervisor or any of the offices listed in section 39.17 and
1 8 more than seventy days remain in the term of office following
1 9 the next general election, the office shall be filled for the
1 10 balance of the unexpired term at that general election unless
1 11 the vacancy has been filled by a special election called more
1 12 than seventy-three days before the primary election. If the
1 13 vacancy occurs more than seventy-three days before the primary
1 14 election, political party candidates for that office at the
1 15 next general election shall be nominated at the primary
1 16 election. If an appointment to fill the vacancy in office is
1 17 made eighty-eight or more days before the primary election and

1 18 a petition requesting a special election has not been received
1 19 within fourteen days after the appointment is made, candidates
1 20 for the office shall be nominated at the primary election.

1 21 Sec. 2. Section 43.14, Code 2005, is amended to read as
1 22 follows:

1 23 43.14 FORM OF NOMINATION PAPERS.

1 24 1. Nomination papers shall include a petition and an
1 25 affidavit of candidacy. All nomination petitions shall be
1 26 eight and one-half by eleven inches in size and in
1 27 substantially the form prescribed by the state commissioner of
1 28 elections. They shall include or provide spaces for the
1 29 following information:

1 30 a. A statement identifying the signers of the petition as
1 31 eligible electors of the appropriate county or legislative
1 32 district and of the state.

1 33 b. The name of the candidate nominated by the petition.

1 34 c. For nomination petitions for candidates for the general
1 35 assembly, a statement that the residence of the candidate is
2 1 within the appropriate legislative district, or if that is not
2 2 true, that the candidate will reside there within sixty days
2 3 before the election. For other offices, a statement of the
2 4 name of the county where the candidate resides.

2 5 d. The political party with which the candidate is a
2 6 registered voter.

2 7 e. The office sought by the candidate, including the
2 8 district number, if any.

2 9 f. The date of the primary election for which the
2 10 candidate is nominated.

2 11 2. Signatures on a petition page shall be counted only if
2 12 the required information required in subsection 1 is written
2 13 or printed at the top of the page. Nomination papers on
2 14 behalf of candidates for seats in the general assembly need
2 15 only designate the number of the senatorial or representative
2 16 district, as appropriate, and not the county or counties, in
2 17 which the candidate and the petitioners reside. A signature
2 18 line shall not be counted if the line lacks the signature of
2 19 the eligible elector and the signer's address and city. The
~~2 20 person examining the petition shall mark any deficiencies on~~
~~2 21 the petition and affidavit. A signature line shall not be~~
2 22 counted if the signer's address is obviously outside the
2 23 boundaries of the district.

2 24 ~~2- 3. The person examining the petition shall mark any~~
2 25 deficiencies on the petition and affidavit. Signed nomination
2 26 petitions and the signed and notarized affidavit of candidacy
2 27 shall not be altered to correct deficiencies noted during
2 28 examination. If the nomination petition lacks a sufficient
2 29 number of acceptable signatures, the nomination petition shall
2 30 be rejected and shall be returned to the candidate.

2 31 4. The nomination papers shall be rejected if the
2 32 affidavit lacks any of the following:

2 33 a. The candidate's name.

2 34 b. The name of the office sought, including the district,
2 35 if any.

3 1 c. The political party name.

3 2 d. The signature of the candidate.

3 3 e. The signature of a notary public or other officer
3 4 empowered to witness oaths.

3 5 5. The candidate may replace a deficient affidavit with a
3 6 corrected affidavit only if the replacement affidavit is filed
3 7 before the filing deadline. The candidate may resubmit a
3 8 nomination petition that has been rejected by adding a
3 9 sufficient number of pages or signatures to correct the
3 10 deficiency. A nomination petition and affidavit filed to
3 11 replace rejected nomination papers shall be filed together
3 12 before the deadline for filing.

3 13 Sec. 3. Section 45.5, Code 2005, is amended to read as
3 14 follows:

3 15 45.5 FORM OF NOMINATION PAPERS.

3 16 1. Nomination papers shall include a petition and an
3 17 affidavit of candidacy. All nomination petitions shall be
3 18 eight and one-half by eleven inches in size and shall be in
3 19 substantially the form prescribed by the state commissioner of
3 20 elections. They shall provide spaces for the following
3 21 information:

3 22 a. A statement identifying the signers of the petition as
3 23 eligible electors of the appropriate ward, city, county,
3 24 school district or school district director district, or
3 25 legislative district and of the state of Iowa.

3 26 b. The name of the candidate nominated by the petition.

3 27 c. A statement that the candidate is or will be a resident
3 28 of the appropriate ward, city, county, school district, or

3 29 legislative or other district as required by section 39.27.

3 30 d. The office sought by the candidate, including the
3 31 district number, if any.

3 32 e. The name and date of the election for which the
3 33 candidate is nominated.

3 34 2. Signatures on a petition page shall be counted only if
3 35 the ~~required~~ information required in subsection 1 is written
4 1 or printed at the top of the page. Nomination papers on
4 2 behalf of candidates for seats in the general assembly need
4 3 only designate the number of the senatorial or representative
4 4 district, as appropriate, and not the county or counties, in
4 5 which the candidate and the petitioners reside. A signature
4 6 line in a nomination petition shall not be counted if the line
4 7 lacks the signature of the eligible elector and the signer's
4 8 address and city. ~~The person examining the petition shall~~
~~4 9 mark any deficiencies on the petition. A signature line shall~~
~~4 10 not be counted if the signer's address is obviously outside~~
~~4 11 the boundaries of the appropriate ward, city, school district~~
~~4 12 or school district director district, or other district.~~

4 13 ~~2- 3.~~ The pages of the petition shall be securely
4 14 fastened together to form a single bundle. Nomination
4 15 petitions that are not bound shall be returned without further
4 16 examination. The state commissioner shall prescribe by rule
4 17 the acceptable methods for binding nomination petitions.

4 18 ~~3- 4.~~ The person examining the petition shall mark any
~~4 19 deficiencies on the petition.~~ Signed nomination petitions and
4 20 the signed and notarized affidavit of candidacy shall not be
4 21 altered to correct deficiencies noted during the examination.
4 22 If the nomination petition lacks a sufficient number of
4 23 acceptable signatures, the nomination papers shall be rejected
4 24 and returned to the candidate.

4 25 5. The nomination papers shall be rejected if the
4 26 affidavit lacks any of the following:

4 27 a. The candidate's name.

4 28 b. The name of the office sought, including the district,
4 29 if any.

4 30 c. The signature of the candidate.

4 31 d. The signature of a notary public or other officer
4 32 empowered to witness oaths.

4 33 6. The candidate may replace a deficient affidavit with a
4 34 corrected one only if the replacement is filed before the
4 35 filing deadline. The candidate may resubmit a nomination
5 1 petition that has been rejected by adding a sufficient number
5 2 of pages or signatures to correct the deficiency. A
5 3 nomination petition and affidavit filed to replace rejected
5 4 nomination papers shall be filed together before the deadline
5 5 for filing.

5 6 Sec. 4. Section 45.6, subsection 3, Code 2005, is amended
5 7 to read as follows:

5 8 3. All signers, for all nominations, of each separate part
5 9 of a nomination petition, shall reside in the appropriate
5 10 ward, city, county, school district, ~~or legislative district,~~
5 11 or other district as required by section 45.1.

5 12 Sec. 5. Section 47.1, Code 2005, is amended by adding the
5 13 following new subsection:

5 14 NEW SUBSECTION. 6. Any expenditure of public money by the
5 15 state commissioner of elections, including a transfer of funds
5 16 by the state commissioner to counties, for real or personal
5 17 property, or for services, related to implementation of Pub.
5 18 L. No. 107=252, which exceeds, in the aggregate, one hundred
5 19 thousand dollars, shall first be approved by the legislative
5 20 council.

5 21 Sec. 6. Section 47.7, Code 2005, is amended by adding the
5 22 following new subsection:

5 23 NEW SUBSECTION. 3. Any expenditure of public money by the
5 24 state registrar of voters or by the state voter registration
5 25 commission, including a transfer of funds by the state
5 26 registrar or by the state commission to counties, for real or
5 27 personal property, or for services, related to implementation
5 28 of Pub. L. No. 107=252, which exceeds, in the aggregate, one
5 29 hundred thousand dollars, shall first be approved by the
5 30 legislative council.

5 31 Sec. 7. Section 49.14, subsection 1, Code 2005, is amended
5 32 to read as follows:

5 33 1. The commissioner may appoint substitute precinct
5 34 election officials as alternates for election board members.
~~5 35 A majority of the original election board members shall be~~
~~6 1 present at the precinct polling place at all times; However,~~
6 2 at partisan elections such the majority of election board
6 3 members at the precinct polling place shall include at least
6 4 one precinct election official from each political party. ~~if~~

~~6 5 the chairperson leaves the polling place, the chairperson
6 6 shall designate another member of the board to serve as
6 7 chairperson until the chairperson returns. The
6 8 responsibilities and duties of a precinct election official,
6 9 other than the chairperson, present at the time the polling
6 10 place was opened on the day of an election may be assumed at
6 11 any later time that day by a substitute appointed as an
6 12 alternate. The substitute shall serve either for the balance
6 13 of that election day or for any shorter period of time the
6 14 commissioner may designate.~~

6 15 Sec. 8. Section 49.57, subsections 2 and 3, Code 2005, are
6 16 amended to read as follows:

6 17 2. In the area of the general election ballot for straight
6 18 party voting, the party or organization names shall be printed
6 19 in capital upper case and lower case letters ~~of using a~~
6 20 uniform font size, in for each political party or nonparty
6 21 political organization. The font size shall be not less than
6 22 twelve point type. After the name of each candidate for a
6 23 partisan office the name of the candidate's political party
6 24 shall be printed in at least six point type. The names of
6 25 political parties and nonparty political organizations may be
6 26 abbreviated on the remainder of the ballot if both the full
6 27 name and the abbreviation appear in the "Straight Party" and
6 28 "Other Political Party" areas of the ballot.

6 29 3. The names of candidates shall be printed in capital
6 30 upper case and lower case letters, ~~of using a~~ uniform font
6 31 size throughout the ballot, in. The font size shall be not
6 32 less than ten point type.

6 33 Sec. 9. Section 49.57, Code 2005, is amended by adding the
6 34 following new subsection:

6 35 NEW SUBSECTION. 3A. In no case shall the font size for
7 1 public measures, constitutional amendments, and constitutional
7 2 convention questions, and summaries thereof, be less than ten
7 3 point type.

7 4 Sec. 10. Section 49.73, subsection 2, Code 2005, is
7 5 amended to read as follows:

7 6 2. The commissioner shall not shorten voting hours for any
7 7 election if there is filed in the commissioner's office, at
7 8 least twenty-five days before the election, a petition signed
7 9 by at least fifty eligible electors of the school district or
7 10 city, as the case may be, requesting that the polls be opened
7 11 not later than seven o'clock a.m. All polling places where
7 12 the candidates of or any public question submitted by any one
7 13 political subdivision are being voted upon shall be opened at
7 14 the same hour, except that this requirement shall not apply to
7 15 merged areas established under chapter 260C. The hours at
7 16 which the respective precinct polling places are to open shall
7 17 not be changed after publication of the notice required by
7 18 section 49.53. The polling places shall be closed at ~~nine~~
7 19 ~~o'clock eight~~ eight p.m. for ~~state primary and general elections and~~
7 20 ~~other partisan elections, and for any other election held~~
7 21 ~~concurrently therewith, and at eight o'clock p.m. for all~~
7 22 ~~other elections.~~

7 23 Sec. 11. Section 49.77, subsection 3, Code 2005, is
7 24 amended to read as follows:

7 25 3. A precinct election official shall require any person
7 26 whose name does not appear on the election register as an
7 27 active voter to show identification to prove residency in the
7 28 precinct. Specific documents which are acceptable forms of
7 29 identification shall be prescribed by the state commissioner.
7 30 A precinct election official ~~may~~ shall require of the voter
7 31 ~~unknown to the official,~~ identification upon which the voter's
7 32 photograph and signature or mark appears. If identification
7 33 is established to the satisfaction of the precinct election
7 34 officials, the person may then be allowed to vote.

7 35 Sec. 12. Section 49.77, subsection 4, unnumbered paragraph
8 1 1, Code 2005, is amended to read as follows:

8 2 A person whose name does not appear on the election
8 3 register of the precinct in which that person claims the right
8 4 to vote shall not be permitted to vote, unless the person
8 5 affirms that the person is currently registered in the county
8 6 and presents ~~proof of identity~~ identification to prove
8 7 residency in the precinct, or the commissioner informs the
8 8 precinct election officials that an error has occurred and
8 9 that the person is a registered voter of that precinct. If
8 10 the commissioner finds no record of the person's registration
8 11 but the person insists that the person is a registered voter
8 12 of that precinct, the precinct election officials shall allow
8 13 the person to cast a ballot in the manner prescribed by
8 14 section 49.81.

8 15 Sec. 13. Section 49.79, Code 2005, is amended to read as

8 16 follows:

8 17 49.79 CHALLENGES.

8 18 1. Any person offering to vote may be challenged as
8 19 unqualified by any precinct election official or registered
8 20 voter. It is the duty of each official to challenge any
8 21 person offering to vote whom the official knows or suspects is
8 22 not duly qualified. A ballot shall be received from a voter
8 23 who is challenged, but only in accordance with section 49.81.

8 24 2. A person may be challenged for any of the following
8 25 reasons:

8 26 a. The challenged person is not a citizen of the United
8 27 States.

8 28 b. The challenged person is less than eighteen years of
8 29 age as of the date of the election at which the person is
8 30 offering to vote.

8 31 c. The challenged person is not a resident at the address
8 32 where the person is registered. However, a person who is
8 33 reporting a change of address at the polls on election day
8 34 pursuant to section 48A.27, subsection 2, paragraph "a",
8 35 subparagraph (3) shall not be challenged for this reason.

9 1 d. The challenged person is not a resident of the precinct
9 2 where the person is offering to vote.

9 3 e. The challenged person has falsified information on the
9 4 person's registration form or on the person's declaration of
9 5 eligibility.

9 6 f. The challenged person has been convicted of a felony,
9 7 and the person's voting rights have not been restored.

9 8 g. The challenged person has been adjudged by a court of
9 9 law to be a person who is incompetent to vote and no
9 10 subsequent proceeding has reversed that finding.

9 11 Sec. 14. Section 50.16, Code 2005, is amended to read as
9 12 follows:

9 13 50.16 TALLY LIST OF BOARD.

9 14 The tally list shall be prepared in writing by the election
9 15 board giving, in legibly printed numerals, the total number of
9 16 people who cast ballots in the precinct, the total number of
9 17 ballots cast for each ~~officer~~ office, except those rejected,
9 18 the name of each person voted for, and the number of votes
9 19 given to each person for each different office. The tally
9 20 list shall be signed by the precinct election officials, and
9 21 be substantially as follows:

9 22 At an election at in township, or in
9 23 precinct of city or township, in county, state of
9 24 Iowa, on the ... day of ~~A-D~~ .., there were ... ballots
9 25 cast for the office of of which
9 26 (Candidate's name) had .. votes.
9 27 (Candidate's name) had .. votes.
9 28 (and in the same manner for any other officer).

9 29 A true tally list:

9 30 (Name) Election Board
9 31 (Name) Members.
9 32 (Name)

9 33 Attest:

9 34 (Name) Designated
9 35 (Name) Tally Keepers.

10 1 Sec. 15. Section 52.25, unnumbered paragraph 2, Code 2005,
10 2 is amended to read as follows:

10 3 The entire convention question, amendment, or public
10 4 measure shall be printed and displayed prominently in at least
10 5 four places within the voting precinct, and inside each voting
10 6 booth, or on the left-hand side inside the curtain of each
10 7 voting machine, the printing to be in conformity with the
10 8 provisions of chapter 49. The question, amendment, or
10 9 measure, and summaries thereof, shall be printed on the

10 10 special paper ballots or on the inserts used in the voting
10 11 machines. In no case shall the font size be less than ten
10 12 point type. The public measure shall be summarized by the

10 13 commissioner and in the largest type possible printed on the
10 14 ~~special paper ballots or inserts used in the voting machines,~~
10 15 except that:

10 16 Sec. 16. Section 54.5, unnumbered paragraphs 1 and 2, Code
10 17 2005, are amended to read as follows:

10 18 The names of the candidates for president and vice
10 19 president of a political party as defined in the law relating
10 20 to primary elections, shall, ~~by five o'clock p.m. on the~~
10 21 ~~eighty-first day before the election,~~ be certified to the
10 22 state commissioner by the chairperson and secretary of the

10 23 state central committee of the party by five p.m. of the fifth
10 24 day following adjournment of the national nominating
10 25 convention of that political party.

10 26 ~~However, if the national nominating convention of a~~

~~10 27 political party adjourns later than eighty-nine days before~~
~~10 28 the general election the certificate showing the names of that~~
~~10 29 party's candidates for president and vice president shall be~~
~~10 30 filed within five days after adjournment.~~

10 31 Sec. 17. APPLICABILITY DATE. This division of this Act
10 32 applies to elections held on or after January 1, 2006.

10 33 DIVISION II
10 34 ABSENTEE VOTING

10 35 Sec. 18. Section 39A.4, subsection 1, paragraph c,
11 1 subparagraph (10), Code 2005, is amended to read as follows:

11 2 (10) As an incumbent officeholder of, or a candidate for,
11 3 an office being voted for at the election in progress, serving
11 4 as a member of a challenging committee or observer under
11 5 section 49.104, subsection 2, 5, or 6, or section 53.23,
11 6 subsection 4.

11 7 Sec. 19. Section 49.63, Code 2005, is amended to read as
11 8 follows:

11 9 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.
11 10 Ballots shall be printed and in the possession of the
11 11 commissioner in time to enable the commissioner to furnish
11 12 ballots to absent voters as provided by ~~sections~~ section 53.8
11 13 ~~and 53.11~~. The printed ballots shall be subject to the
11 14 inspection of candidates and their agents. If mistakes are
11 15 discovered, they shall be corrected without delay, in the
11 16 manner provided in this chapter.

11 17 Sec. 20. Section 53.7, subsection 1, Code 2005, is amended
11 18 to read as follows:

11 19 1. It shall be unlawful for any employee of the state or
11 20 any employee of a political subdivision to solicit any
11 21 application or request for application for an absentee ballot,
11 22 or to take an affidavit in connection with any absentee ballot
11 23 while the employee is on the employer's premises or otherwise
11 24 in the course of employment. However, any such employee may
11 25 take such affidavit in connection with an absentee ballot
11 26 which is cast by the registered voter in person in the office
11 27 where such employee is employed in accordance with section
11 28 ~~53.11~~ 53.10. This subsection shall not apply to any elected
11 29 official.

11 30 Sec. 21. Section 53.8, subsection 3, unnumbered paragraph
11 31 3, Code 2005, is amended to read as follows:

11 32 Nothing in this subsection nor in section 53.22 shall be
11 33 construed to prohibit a registered voter who is a hospital
11 34 patient or resident of a health care facility, or who
11 35 anticipates entering a hospital or health care facility before
12 1 the date of a forthcoming election, from casting an absentee
12 2 ballot in the manner prescribed by section ~~53.11~~ 53.10.

12 3 Sec. 22. Section 53.22, subsection 1, paragraph a,
12 4 unnumbered paragraph 1, Code 2005, is amended to read as
12 5 follows:

12 6 A registered voter who has applied for an absentee ballot,
~~12 7 in a manner other than that prescribed by section 53.11, and~~
12 8 who is a resident or patient in a health care facility or
12 9 hospital located in the county to which the application has
12 10 been submitted shall be delivered the appropriate absentee
12 11 ballot by two special precinct election officers, one of whom
12 12 shall be a member of each of the political parties referred to
12 13 in section 49.13, who shall be appointed by the commissioner
12 14 from the election board panel for the special precinct
12 15 established by section 53.20. The special precinct election
12 16 officers shall be sworn in the manner provided by section
12 17 49.75 for election board members, shall receive compensation
12 18 as provided in section 49.20 and shall perform their duties
12 19 during the ten calendar days preceding the election and on
12 20 election day if all ballots requested under section 53.8,
12 21 subsection 3 have not previously been delivered and returned.

12 22 Sec. 23. Section 53.37, Code 2005, is amended to read as
12 23 follows:

12 24 53.37 DEFINITIONS.

12 25 1. This division is intended to implement the federal
12 26 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. }
12 27 1973ff et seq.

12 28 2. The term "armed forces of the United States", as used
12 29 in this division, shall mean the army, navy, marine corps,
12 30 coast guard, and air force of the United States.

12 31 3. For the purpose of absentee voting only, there shall be
12 32 included in the term "armed forces of the United States" the
12 33 following:

12 34 ~~1-~~ a. Spouses and dependents of members of the armed
12 35 forces while in active service.

13 1 ~~2-~~ b. Members of the merchant marine of the United States
13 2 and their spouses and dependents.

13 3 3- c. Civilian employees of the United States in all
13 4 categories serving outside the territorial limits of the
13 5 several states of the United States and the District of
13 6 Columbia and their spouses and dependents when residing with
13 7 or accompanying them, whether or not the employee is subject
13 8 to the civil service laws and the Classification Act of 1949,
13 9 and whether or not paid from funds appropriated by the
13 10 Congress.

13 11 4- d. Members of religious groups or welfare agencies
13 12 assisting members of the armed forces, who are officially
13 13 attached to and serving with the armed forces, and their
13 14 spouses and dependents.

13 15 5- e. Citizens of the United States who do not fall under
13 16 any of the categories described in subsections 1 to 4, but who
13 17 are entitled to register and vote pursuant to section 48A.5,
13 18 subsection 4.

13 19 4. For the purposes of this division, "qualified voter"
13 20 means a person who is included within the term "armed forces
13 21 of the United States" as described in this section, who would
13 22 be qualified to register to vote under section 48A.5,
13 23 subsection 2, except for residency, and who is not
13 24 disqualified from registering to vote and voting under section
13 25 48A.6.

13 26 Sec. 24. Section 53.38, Code 2005, is amended to read as
13 27 follows:

13 28 53.38 WHAT CONSTITUTES REGISTRATION.

13 29 Whenever a ballot is requested pursuant to section 53.39 or
13 30 53.45 on behalf of a voter in the armed forces of the United
13 31 States, the affidavit upon the ballot envelope of such voter,
13 32 if the voter is found to be an eligible elector of the county
13 33 to which the ballot is submitted, shall constitute a
13 34 sufficient registration under chapter 48A. A completed
13 35 federal postcard registration and federal absentee ballot
14 1 request form submitted by such eligible elector shall also
14 2 constitute a sufficient registration under chapter 48A. The
14 3 commissioner shall place the voter's name on the registration
14 4 record as a registered voter if it does not already appear
14 5 there. The identification requirements of section 48A.8 and
14 6 the verification requirements of section 48A.25A do not apply
14 7 to persons who register to vote under this division.

14 8 Sec. 25. Section 53.41, Code 2005, is amended to read as
14 9 follows:

14 10 53.41 RECORDS BY COMMISSIONER == EXCESS REQUESTS OR
14 11 BALLOTS.

14 12 The commissioner of each county shall establish and
14 13 maintain a record of all requests for ballots which are made,
14 14 and of all ballots transmitted, and the manner of transmittal,
14 15 from and received in the commissioner's office under the
14 16 provisions of this division.

14 17 PARAGRAPH DIVIDED. If more than one request for absent
14 18 voter's ballot for a particular election is made to the
14 19 commissioner before the ballots are ready to mail by or on
14 20 behalf of a voter in the armed forces of the United States,
14 21 the last request first received shall be honored, except that
14 22 if one of the requests is made by the voter, and a request on
14 23 the voter's behalf has not been previously honored, the
14 24 request of the voter shall be honored in preference to a
14 25 request made on the voter's behalf by another.

14 26 PARAGRAPH DIVIDED. Not more than one ballot shall be
14 27 transmitted by the commissioner to any voter for a particular
14 28 election unless after the ballot has been mailed the voter
14 29 reports a change in the address to which the ballot should be
14 30 sent. A ballot shall be mailed using a serial number that
14 31 indicates that this is a replacement sent to an updated
14 32 address. The original ballot shall be counted only if the
14 33 replacement ballot does not arrive. If the commissioner

14 34 receives more than one absent voter's ballot, provided for by
14 35 this division, from or purporting to be from any one voter for
15 1 a particular election, all of the ballots so received from or
15 2 purporting to be from such voter are void, and the
15 3 commissioner shall not deliver any of the ballots to the
15 4 precinct election officials, but shall retain them in the
15 5 commissioner's office, and preserve them for the period and
15 6 under the conditions provided for in sections 50.12 through
15 7 50.15 and section 50.19.

15 8 Sec. 26. Section 53.44, unnumbered paragraph 2, Code 2005,
15 9 is amended to read as follows:

15 10 Absentee ballots issued under this division shall be
15 11 returned in the same manner either by mail by the voter or a
15 12 person designated by the voter or by personal delivery by the
15 13 voter or a person designated by the voter and within the same

15 14 time limits specified in section 53.17.

15 15 Sec. 27. Section 53.53, subsection 4, paragraph a, Code
15 16 2005, is amended to read as follows:

15 17 a. The ballot was submitted from within the United States,
15 18 unless the voter is a member of the armed forces of the United
15 19 States, as described in section 53.37, subsection 2, on active
15 20 duty and away from the voter's county of residence for
15 21 purposes of serving on active duty.

15 22 Sec. 28. Section 53.53, subsection 4, paragraph b, Code
15 23 2005, is amended to read as follows:

15 24 b. The voter's application for a regular absentee ballot
15 25 was received by the commissioner less than ~~thirty~~ fourteen
15 26 days prior to the election.

15 27 Sec. 29. Section 53.11, Code 2005, is repealed.

15 28 Sec. 30. APPLICABILITY DATE. This division of this Act
15 29 applies to elections held on or after January 1, 2006.

15 30 DIVISION III
15 31 VOTER REGISTRATION

15 32 Sec. 31. Section 48A.2, Code 2005, is amended by adding
15 33 the following new subsection:

15 34 NEW SUBSECTION. 6. "Voter registration list" means a
15 35 compilation of voter registration records produced, upon
16 1 request, from the electronic voter registration file or by
16 2 viewing, upon request, the original, completed voter
16 3 registration applications and forms.

16 4 Sec. 32. Section 48A.11, subsection 8, Code 2005, is
16 5 amended to read as follows:

16 6 8. A voter registration application lacking the
16 7 registrant's name, sex, date of birth, or residence address or
16 8 description shall not be processed. A voter registration
16 9 application lacking the registrant's driver's license number,
16 10 Iowa nonoperator's identification card number, or the last
16 11 four digits of the registrant's social security number shall
16 12 not be processed. A voter registration application lacking
16 13 the registrant's signature shall not be processed. A
16 14 registrant whose registration is not processed pursuant to
16 15 this subsection shall be notified pursuant to section 48A.26,
16 16 subsection 3. A registrant who does not have an Iowa driver's
16 17 license number, an Iowa nonoperator's identification number,
16 18 or a social security number and who notifies the registrar of
16 19 such shall be assigned a unique identifying number that shall
16 20 serve to identify the registrant for voter registration
16 21 purposes.

16 22 Sec. 33. Section 48A.25A, Code 2005, is amended to read as
16 23 follows:

16 24 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

16 25 Upon receipt of an application for voter registration by
16 26 mail, the state registrar of voters shall compare the driver's
16 27 license number, the Iowa nonoperator's identification card
16 28 number, or the last four numerals of the social security
16 29 number provided by the registrant with the records of the
16 30 state department of transportation or the social security
16 31 administration. To be verified, the voter registration record
16 32 shall contain the same name, date of birth, and driver's
16 33 license number or Iowa nonoperator's identification card
16 34 number or whole or partial social security number as the
16 35 records of the state department of transportation or social
17 1 security administration. If the information cannot be

17 2 verified, the application shall be rejected and the registrant
17 3 shall be notified of the reason for the rejection. If the
17 4 information can be verified, a record shall be made of the
17 5 verification and the application shall be accepted.

17 6 The voter registration commission shall adopt rules in
17 7 accordance with chapter 17A to provide procedures for
17 8 processing registration applications if the ~~state department~~
17 9 ~~of transportation does not, applications cannot be verified~~
17 10 before the close of registration for an election for which the
17 11 voter registration ~~otherwise would be effective, if verified,~~
17 12 ~~provide a report that the information on the application has~~
17 13 ~~matched or not matched the records of the department.~~

17 14 This section does not apply to persons described in section
17 15 53.37 who are entitled to register to vote and to vote
17 16 pursuant to section 48A.5, subsection 4.

17 17 Sec. 34. APPLICABILITY DATE. This division of this Act
17 18 applies to elections held on or after January 1, 2006.

17 19 DIVISION IV
17 20 LOCAL GOVERNMENT SPECIAL ELECTIONS

17 21 Sec. 35. Section 39.2, Code 2005, is amended by adding the
17 22 following new subsection:

17 23 NEW SUBSECTION. 4. Unless otherwise provided by law, a
17 24 county or city may hold a special election on public measures

17 25 only on the day of the general election, the day of the
17 26 regular city election, or the second Tuesday in March of each
17 27 year. A school district or merged area may only hold a
17 28 special election on public measures in conjunction with the
17 29 regular school election.

17 30 Sec. 36. Section 47.6, subsection 1, unnumbered paragraph
17 31 1, Code 2005, is amended to read as follows:

17 32 The governing body of ~~any~~ a political subdivision which has
17 33 authorized a special election to which section 39.2 ~~is,~~
17 34 ~~subsections 1, 2, and 3, are applicable shall by written~~

17 35 notice inform the commissioner who will be responsible for
18 1 conducting the election of the proposed date of the special
18 2 election. If a public measure will appear on the ballot at
18 3 the special election the governing body shall submit the
18 4 complete text of the public measure to the commissioner with
18 5 the notice of the proposed date of the special election.

18 6 Sec. 37. Section 47.6, Code 2005, is amended by adding the
18 7 following new subsection:

18 8 NEW SUBSECTION. 3. A city council or a county board of
18 9 supervisors that has authorized a public measure to be
18 10 submitted to the voters at a special election held pursuant to
18 11 section 39.2, subsection 4, shall file the full text of the
18 12 public measure with the commissioner no later than five p.m.
18 13 on the forty-sixth day before the election. If there are
18 14 vacancies in county offices to be filled at the special
18 15 election, candidates shall file their nomination papers with
18 16 the commissioner not later than five p.m. on the forty=
18 17 seventh day before the election. Candidates for city offices
18 18 to be filled at the special election shall file their
18 19 nomination papers with the city clerk pursuant to the
18 20 appropriate election calendar for the city.

18 21 Sec. 38. Section 69.12, subsection 1, paragraph a,
18 22 subparagraph (4), Code 2005, is amended by striking the
18 23 subparagraph.

18 24 Sec. 39. Section 99F.7, subsection 11, paragraph a, Code
18 25 2005, is amended to read as follows:

18 26 a. A license to conduct gambling games on an excursion
18 27 gambling boat in a county shall be issued only if the county
18 28 electorate approves the conduct of the gambling games as
18 29 provided in this subsection. The board of supervisors, upon
18 30 receipt of a valid petition meeting the requirements of
18 31 section 331.306, shall direct the commissioner of elections to
18 32 submit to the registered voters of the county a proposition to
18 33 approve or disapprove the conduct of gambling games on an
18 34 excursion gambling boat in the county. The proposition shall
18 35 be submitted at a general election or at a special election
19 1 ~~called for that purpose.~~ To be submitted at a general
19 2 election, the petition must be received by the board of
19 3 supervisors at least five working days before the last day for
19 4 candidates for county offices to file nomination papers for
19 5 the general election pursuant to section 44.4. If a majority
19 6 of the county voters voting on the proposition favor the
19 7 conduct of gambling games, the commission may issue one or
19 8 more licenses as provided in this chapter. If a majority of
19 9 the county voters voting on the proposition do not favor the
19 10 conduct of gambling games, a license to conduct gambling games
19 11 in the county shall not be issued.

19 12 Sec. 40. Section 99F.7, subsection 11, paragraph c, Code
19 13 2005, is amended to read as follows:

19 14 c. If a licensee of a pari-mutuel racetrack who held a
19 15 valid license issued under chapter 99D as of January 1, 1994,
19 16 requests a license to operate gambling games as provided in
19 17 this chapter, the board of supervisors of a county in which
19 18 the licensee of a pari-mutuel racetrack requests a license to
19 19 operate gambling games shall submit to the county electorate a
19 20 proposition to approve or disapprove the operation of gambling
19 21 games at pari-mutuel racetracks at a special election ~~at the~~
19 22 ~~earliest practicable time.~~ If the operation of gambling games
19 23 at the pari-mutuel racetrack is not approved by a majority of
19 24 the county electorate voting on the proposition at the
19 25 election, the commission shall not issue a license to operate
19 26 gambling games at the racetrack.

19 27 Sec. 41. Section 145A.7, Code 2005, is amended to read as
19 28 follows:

19 29 145A.7 SPECIAL ELECTION.

19 30 When a protesting petition is received, the officials
19 31 receiving the petition shall call a special election of all
19 32 registered voters of that political subdivision ~~for the~~
19 33 ~~purpose upon the question~~ of approving or rejecting the order
19 34 setting out the proposed merger plan. The vote will be taken
19 35 by ballot in the form provided by sections 49.43 to 49.47, and

20 1 the election shall be initiated and held as provided in
20 2 chapter 49. A majority vote of those registered voters voting
20 3 at said special election shall be sufficient to approve the
20 4 order and thus include the political subdivision within the
20 5 merged area.

20 6 Sec. 42. Section 257.18, subsection 1, Code 2005, is
20 7 amended to read as follows:

20 8 1. An instructional support program that provides
20 9 additional funding for school districts is established. A
20 10 board of directors that wishes to consider participating in
20 11 the instructional support program shall hold a public hearing
20 12 on the question of participation. The board shall set forth
20 13 its proposal, including the method that will be used to fund
20 14 the program, in a resolution and shall publish the notice of
20 15 the time and place of a public hearing on the resolution.
20 16 Notice of the time and place of the public hearing shall be
20 17 published not less than ten nor more than twenty days before
20 18 the public hearing in a newspaper which is a newspaper of
20 19 general circulation in the school district. At the hearing,
20 20 or no later than thirty days after the date of the hearing,
20 21 the board shall take action to adopt a resolution to
20 22 participate in the instructional support program for a period
20 23 not exceeding five years or to direct the county commissioner
20 24 of elections to submit the question of participation in the
20 25 program for a period not exceeding ten years to the registered
20 26 voters of the school district at the next regular school
20 27 election ~~or at a special election~~. If the board submits the
20 28 question at an election and a majority of those voting on the
20 29 question favors participation in the program, the board shall
20 30 adopt a resolution to participate and certify the results of
20 31 the election to the department of management.

20 32 Sec. 43. Section 257.18, subsection 2, unnumbered
20 33 paragraph 1, Code 2005, is amended to read as follows:

20 34 If the board does not provide for an election and adopts a
20 35 resolution to participate in the instructional support
21 1 program, the district shall participate in the instructional
21 2 support program unless within twenty-eight days following the
21 3 action of the board, the secretary of the board receives a
21 4 petition containing the required number of signatures, asking
21 5 that ~~an election be called~~ the question to approve or
21 6 disapprove the action of the board in adopting the
21 7 instructional support program be submitted to the voters of
21 8 the school district. The petition must be signed by eligible
21 9 electors equal in number to not less than one hundred or
21 10 thirty percent of the number of voters at the last preceding
21 11 regular school election, whichever is greater. The board
21 12 shall either rescind its action or direct the county
21 13 commissioner of elections to submit the question to the
21 14 registered voters of the school district at the next following
21 15 regular school election ~~or a special election~~. If a majority
21 16 of those voting on the question at the election favors
21 17 disapproval of the action of the board, the district shall not
21 18 participate in the instructional support program. If a
21 19 majority of those voting on the question favors approval of
21 20 the action, the board shall certify the results of the
21 21 election to the department of management and the district
21 22 shall participate in the program.

21 23 Sec. 44. Section 257.29, unnumbered paragraph 1, Code
21 24 2005, is amended to read as follows:

21 25 An educational improvement program is established to
21 26 provide additional funding for school districts in which the
21 27 regular program district cost per pupil for a budget year is
21 28 one hundred ten percent of the regular program state cost per
21 29 pupil for the budget year and which have approved the use of
21 30 the instructional support program established in section
21 31 257.18. A board of directors that wishes to consider
21 32 participating in the educational improvement program shall
21 33 hold a hearing on the question of participation and the
21 34 maximum percent of the regular program district cost of the
21 35 district that will be used. The hearing shall be held in the
22 1 manner provided in section 257.18 for the instructional
22 2 support program. Following the hearing, the board may direct
22 3 the county commissioner of elections to submit the question to
22 4 the registered voters of the school district at the next
22 5 following regular school election ~~or a special election held~~
22 6 ~~not later than the following February 1~~. If a majority of
22 7 those voting on the question favors participation in the
22 8 program, the board shall adopt a resolution to participate and
22 9 shall certify the results of the election to the department of
22 10 management and the district shall participate in the program.
22 11 If a majority of those voting on the question does not favor

22 12 participation, the district shall not participate in the
22 13 program.

22 14 Sec. 45. Section 257.29, unnumbered paragraph 5, Code
22 15 2005, is amended to read as follows:

22 16 Once approved at an election, the authority of the board to
22 17 use the educational improvement program shall continue until
22 18 the board votes to rescind the educational improvement program
22 19 or the voters of the school district by majority vote order
22 20 the discontinuance of the program. The board shall ~~call an~~
~~22 21 election to vote on submit at the next regular school election~~
22 22 the proposition whether to discontinue the program upon the
22 23 receipt of a petition signed by not less than one hundred
22 24 eligible electors or thirty percent of the number of electors
22 25 voting at the last preceding school election, whichever is
22 26 greater.

22 27 Sec. 46. Section 260C.28, subsection 3, Code 2005, is
22 28 amended to read as follows:

22 29 3. If the board of directors wishes to certify for a levy
22 30 under subsection 2, the board shall direct the county
22 31 commissioner of elections to ~~call an election to~~ submit the
22 32 question of such authorization for the board at ~~a~~ the regular
22 33 ~~or special school~~ election. If a majority of those voting on
22 34 the question at the election favors authorization of the board
22 35 to make such a levy, the board may certify for a levy as
23 1 provided under subsection 2 during each of the ten years
23 2 following the election. If a majority of those voting on the
23 3 question at the election does not favor authorization of the
23 4 board to make a levy under subsection 2, the board ~~shall not~~
23 5 ~~may~~ submit the question to the voters again ~~until three~~
~~23 6 hundred fifty-five days have elapsed from the at the next~~
23 7 regular school election.

23 8 Sec. 47. Section 260C.39, unnumbered paragraph 1, Code
23 9 2005, is amended to read as follows:

23 10 Any merged area may combine with any adjacent merged area
23 11 after a favorable vote by the electors of each of the areas
23 12 involved. If the boards of directors of two or more merged
23 13 areas agree to a combination, the question shall be submitted
23 14 to the electors of each area at ~~a special the regular school~~
~~23 15 election to be held on the same day in each area. The special~~
~~23 16 election shall not be held within thirty days of any general~~
~~23 17 election.~~ Prior to the ~~special~~ election, the board of each
23 18 merged area shall notify the county commissioner of elections
23 19 of the county in which the greatest proportion of the merged
23 20 area's taxable base is located who shall publish notice of the
23 21 election question according to section 49.53. ~~The two~~
~~23 22 respective county commissioners of elections shall conduct the~~
~~23 23 election pursuant to the provisions of chapters 39 to 53. The~~
~~23 24 votes cast in the election shall be canvassed by the county~~
~~23 25 board of supervisors and the county commissioners of elections~~
23 26 who conducted the election of each county in the merged areas
23 27 shall certify the results to the board of directors of each
23 28 merged area.

23 29 Sec. 48. Section 275.18, Code 2005, is amended to read as
23 30 follows:

23 31 275.18 ~~SPECIAL~~ ELECTION CALLED == TIME.

23 32 When the boundaries of the territory to be included in a
23 33 proposed school corporation and the number and method of the
23 34 election of the school directors of the proposed school
23 35 corporation have been determined as provided in this chapter,
24 1 the area education agency administrator with whom the petition
24 2 is filed shall give written notice of the ~~proposed date of the~~
~~24 3 election question~~ to the county commissioner of elections of
24 4 the county in the proposed school corporation which has the
24 5 greatest taxable base. ~~The proposed date shall be as soon as~~
~~24 6 possible pursuant to section 39.2, subsections 1 and 2, and~~
~~24 7 section 47.6, subsections 1 and 2, but not later than November~~
~~24 8 30 of question shall be submitted to the voters at the regular~~
24 9 school election held in the calendar year prior to the

24 10 calendar year in which the reorganization will take effect.
24 11 The county commissioner of elections shall give notice of
24 12 the election question by one publication in the same newspaper
24 13 in which previous notices have been published regarding the
24 14 proposed school reorganization, and in addition, if more than
24 15 one county is involved, by one publication in a legal
24 16 newspaper in each county other than that of the first
24 17 publication. The publication shall be not less than four nor
24 18 more than twenty days prior to the election. If the decision
24 19 published pursuant to section 275.15 or 275.16 includes a
24 20 description of the proposed school corporation and a
24 21 description of the director districts, if any, the notice for
24 22 election question and the ballot do not need to include these

24 23 descriptions. ~~Notice for an election of the question shall~~
24 24 not be published until the expiration of time for appeal,
24 25 which shall be the same as that provided in section 275.15 or
24 26 275.16, whichever is applicable; and if there is an appeal,
24 27 not until the appeal has been disposed of.

24 28 The area education agency administrator shall furnish to
24 29 the commissioner a map of the proposed reorganized area which
24 30 must be approved by the commissioner as suitable for posting.
24 31 The map shall be displayed prominently in at least four places
24 32 within the voting precinct, and inside each voting booth, or
24 33 on the left-hand side inside the curtain of each voting
24 34 machine.

24 35 Sec. 49. Section 275.22, Code 2005, is amended to read as
25 1 follows:

25 2 275.22 CANVASS AND RETURN.

~~25 3 The precinct election officials shall count the ballots,~~
~~25 4 and make return to and deposit the ballots with the county~~
~~25 5 commissioner of elections, who shall enter the return of~~
~~25 6 record in the commissioner's office.~~ The election tally
25 7 lists, including absentee ballots, shall be listed by
25 8 individual school district. The county commissioner of
25 9 elections shall certify the results of the election to the
25 10 area education agency administrator. If the majority of the
25 11 votes cast by the registered voters is in favor of the
25 12 proposition, as provided in section 275.20, a new school
25 13 corporation shall be organized. If the majority of votes cast
25 14 is opposed to the proposition, a new petition describing the
25 15 identical or similar boundaries shall not be filed for at
25 16 least six months from the date of the election. If territory
25 17 is excluded from the reorganized district, action pursuant to
25 18 section 274.37 shall be taken prior to the effective date of
25 19 reorganization. The secretary of the new school corporation
25 20 shall file a written description of the boundaries as provided
25 21 in section 274.4.

25 22 Sec. 50. Section 275.23A, subsection 2, Code 2005, is
25 23 amended to read as follows:

25 24 2. Following each federal decennial census the school
25 25 board shall determine whether the existing director district
25 26 boundaries meet the standards in subsection 1 according to the
25 27 most recent federal decennial census. In addition to the
25 28 authority granted to voters to change the number of directors
25 29 or method of election as provided in sections 275.35, 275.36,
25 30 and 278.1, the board of directors of a school district may,
25 31 following a federal decennial census, by resolution and in
25 32 accordance with this section, authorize a change in the method
25 33 of election as set forth in section 275.12, subsection 2, or a
25 34 change to either five or seven directors after the board
25 35 conducts a hearing on the resolution. If the board proposes
26 1 to change the number of directors from seven to five
26 2 directors, the resolution shall include a plan for reducing
26 3 the number of directors. If the board proposes to increase
26 4 the number of directors to seven directors, two directors
26 5 shall be added according to the procedure described in section
26 6 277.23, subsection 2. If necessary, the board of directors
26 7 shall redraw the director district boundaries. The director
26 8 district boundaries shall be described in the resolution
26 9 adopted by the school board. The resolution shall be adopted
26 10 no earlier than November 15 of the year immediately following
26 11 the year in which the federal decennial census is taken nor
26 12 later than May 15 of the second year immediately following the
26 13 year in which the federal decennial census is taken. A copy of
26 14 the plan shall be filed with the area education agency
26 15 administrator of the area education agency in which the
26 16 school's electors reside. If the board does not provide for
26 17 an election as provided in sections 275.35, 275.36, and 278.1
26 18 and adopts a resolution to change the number of directors or
26 19 method of election in accordance with this subsection, the
26 20 district shall change the number of directors or method of
26 21 election as provided unless, within twenty-eight days
26 22 following the action of the board, the secretary of the board
26 23 receives a petition containing the required number of
26 24 signatures, asking that an election be called to approve or
26 25 disapprove the action of the board in adopting the resolution.
26 26 The petition must be signed by eligible electors equal in
26 27 number to not less than one hundred or thirty percent of the
26 28 number of voters at the last preceding regular school
26 29 election, whichever is greater. The board shall either
26 30 rescind its action or direct the county commissioner of
26 31 elections to submit the question to the registered voters of
26 32 the school district at the next following regular school
26 33 election ~~or a special election.~~ If a majority of those voting

26 34 on the question at the election favors disapproval of the
26 35 action of the board, the district shall not change the number
27 1 of directors or method of election. If a majority of those
27 2 voting on the question does not favor disapproval of the
27 3 action, the board shall certify the results of the election to
27 4 the department of management and the district shall change the
27 5 number of directors or method of election as provided in this
27 6 subsection. At the expiration of the twenty-eight-day period,
27 7 if no petition is filed, the board shall certify its action to
27 8 the department of management and the district shall change the
27 9 number of directors or method of election as provided in this
27 10 subsection.

27 11 Sec. 51. Section 275.24, Code 2005, is amended to read as
27 12 follows:

27 13 275.24 EFFECTIVE DATE OF CHANGE.

27 14 When a school district is enlarged, reorganized, or changes
27 15 its boundary pursuant to sections 275.12 to 275.22, the change
27 16 shall take effect on July 1 following the date of the
27 17 reorganization election held pursuant to section 275.18 ~~if the~~
~~27 18 election was held by the prior November 30. Otherwise the~~
~~27 19 change shall take effect on July 1 one year later.~~

27 20 Sec. 52. Section 275.27, Code 2005, is amended to read as
27 21 follows:

27 22 275.27 COMMUNITY SCHOOL DISTRICTS == PART OF AREA
27 23 EDUCATION AGENCY.

27 24 School districts created or enlarged under this chapter are
27 25 community school districts and are part of the area education
27 26 agency in which the greatest number of registered voters of
27 27 the district reside at the time of the ~~special election called~~
~~27 28 for~~ in section 275.18, and sections of the Code applicable to
27 29 the common schools generally are applicable to these districts
27 30 in addition to the powers and privileges conferred by this
27 31 chapter. If a school district, created or enlarged under this
27 32 chapter and assigned to an area education agency under this
27 33 section, can demonstrate that students in the district were
27 34 utilizing a service or program prior to the formation of the
27 35 new or enlarged district that is unavailable from the area
28 1 education agency to which the new or enlarged district is
28 2 assigned, the district may be reassigned to the area education
28 3 agency which formerly provided the service or program, upon an
28 4 affirmative majority vote of the boards of the affected area
28 5 education agencies to permit the change.

28 6 Sec. 53. Section 275.35, unnumbered paragraph 1, Code
28 7 2005, is amended to read as follows:

28 8 Any existing or hereafter created or enlarged school
28 9 district may change the number of directors to either five or
28 10 seven and may also change its method of election of school
28 11 directors to any method authorized by section 275.12 by
28 12 submission of a proposal, stating the proposed new method of
28 13 election, by the school board of such district to the electors
28 14 at any regular ~~or special~~ school election. The school board
28 15 shall notify the county commissioner of elections who shall
28 16 publish notice of the election proposal in the manner provided
28 17 in section 49.53. ~~The election shall be conducted pursuant to~~
~~28 18 chapters 39 to 53 by the county commissioner of elections.~~
28 19 Such proposal shall be adopted if it is approved by a majority
28 20 of the votes cast on the proposition.

28 21 Sec. 54. Section 275.36, unnumbered paragraph 1, Code
28 22 2005, is amended to read as follows:

28 23 If a petition for a change in the number of directors or in
28 24 the method of election of school directors is filed with the
28 25 school board of a school district pursuant to the requirements
28 26 of section 278.2, the school board shall submit such
28 27 proposition to the voters at the regular school election ~~or a~~
~~28 28 special election held not later than February 1.~~ The petition
28 29 shall be accompanied by an affidavit as required by section
28 30 275.13. If a proposition for a change in the number of
28 31 directors or in the method of election of school directors
28 32 submitted to the voters under this section is rejected, it
28 33 shall not be resubmitted to the voters of the district in
28 34 substantially the same form within the next three years; if it
28 35 is approved, no other proposal may be submitted to the voters
29 1 of the district under this section within the next six years.

29 2 Sec. 55. Section 275.55, unnumbered paragraphs 1 and 2,
29 3 Code 2005, are amended to read as follows:

29 4 The board of the school district shall ~~call a special~~
~~29 5 election to be held not later than forty days~~ submit the
29 6 proposition to the voters at the regular school election next
29 7 following the date of the final hearing on the dissolution
29 8 proposal. ~~The special election may be held at the same time~~
~~29 9 as the regular school election.~~ The proposition submitted to

29 10 the voters residing in the school district ~~at the special~~
29 11 ~~election~~ shall describe each separate area to be attached to a
29 12 contiguous school district and shall name the school district
29 13 to which it will be attached. In addition to the description,
29 14 a map may be included in the summary of the question on the
29 15 ballot.

29 16 ~~The board shall give written notice of the proposed date of~~
29 17 ~~the election to the county commissioner of elections. The~~
29 18 ~~proposed date shall be pursuant to section 39.2, subsections 1~~
29 19 ~~and 2 and section 47.6, subsections 1 and 2. The county~~
29 20 ~~commissioner of elections shall give notice of that the~~
29 21 ~~election proposition will be submitted at the regular school~~
29 22 ~~election~~ by one publication in the same newspaper in which the
29 23 previous notice was published about the hearing, which
29 24 publication shall not be less than four nor more than twenty
29 25 days prior to the election.

29 26 Sec. 56. Section 278.1, unnumbered paragraph 2, Code 2005,
29 27 is amended to read as follows:

29 28 The board may, with approval of sixty percent of the
29 29 voters, voting in a regular ~~or special~~ election in the school
29 30 district, make extended time contracts not to exceed twenty
29 31 years in duration for rental of buildings to supplement
29 32 existing schoolhouse facilities; and where it is deemed
29 33 advisable for buildings to be constructed or placed on real
29 34 estate owned by the school district, these contracts may
29 35 include lease-purchase option agreements, the amounts to be
30 1 paid out of the physical plant and equipment levy fund.

30 2 Sec. 57. Section 279.39, Code 2005, is amended to read as
30 3 follows:

30 4 279.39 SCHOOL BUILDINGS.

30 5 The board of any school corporation shall establish
30 6 attendance centers and provide suitable buildings for each
30 7 school in the district and may at the regular or a special
30 8 meeting ~~call a special election~~ resolve to submit to the
30 9 registered voters of the district at the next regular school
30 10 election the question of voting a tax or authorizing the board
30 11 to issue bonds, or both.

30 12 Sec. 58. Section 297.11, Code 2005, is amended to read as
30 13 follows:

30 14 297.11 USE FORBIDDEN.

30 15 If at any time the voters of such district at a regular
30 16 election forbid such use of any such schoolhouse or grounds,
30 17 the board shall not thereafter permit such use until the ~~said~~
30 18 action of such voters shall have been rescinded by the voters
30 19 at a regular election, ~~or at a special election called for~~
30 20 ~~that purpose.~~

30 21 Sec. 59. Section 298.9, Code 2005, is amended to read as
30 22 follows:

30 23 298.9 SPECIAL LEVIES.

30 24 If the voter-approved physical plant and equipment levy,
30 25 consisting solely of a physical plant and equipment property
30 26 tax levy, is voted at a ~~special~~ an election and certified to
30 27 the board of supervisors after the regular levy is made, the
30 28 board shall at its next regular meeting levy the tax and cause
30 29 it to be entered upon the tax list to be collected as other
30 30 school taxes. ~~If the certification is filed prior to May 1,~~
30 31 ~~the annual levy shall begin with the tax levy of the year of~~
30 32 ~~filing. If the certification is filed after May 1 in a year,~~
30 33 ~~the~~ The levy shall begin with the levy of the fiscal year
30 34 succeeding the year of the filing of the certification.

30 35 Sec. 60. Section 298.18, unnumbered paragraph 4, Code
31 1 2005, is amended to read as follows:

31 2 The amount estimated and certified to apply on principal
31 3 and interest for any one year may exceed two dollars and
31 4 seventy cents per thousand dollars of assessed value by the
31 5 amount approved by the voters of the school corporation, but
31 6 not exceeding four dollars and five cents per thousand of the
31 7 assessed value of the taxable property within any school
31 8 corporation, provided that the registered voters of such
31 9 school corporation have first approved such increased amount
31 10 at a ~~special election, which may be held at the same time as~~
31 11 the regular school election. The proposition submitted to the
31 12 voters at such ~~special~~ election shall be in substantially the
31 13 following form:

31 14 Sec. 61. Section 298.18, unnumbered paragraph 6, Code
31 15 2005, is amended to read as follows:

31 16 ~~Notice of the election shall be given by the county~~
31 17 ~~commissioner of elections according to section 49.53. The~~
31 18 ~~election shall be held on a date not less than four nor more~~
31 19 ~~than twenty days after the last publication of the notice. At~~
31 20 ~~such election the ballot used for the submission of said~~

~~31 21 proposition shall be in substantially the form for submitting~~
~~31 22 special questions at general elections. The county~~
31 23 commissioner of elections shall conduct the election pursuant
~~31 24 to the provisions of chapters 39 to 53 and certify the results~~
31 25 to the board of directors. ~~Such~~ The proposition shall not be
31 26 deemed carried or adopted unless the vote in favor of such
31 27 proposition is equal to at least sixty percent of the total
31 28 vote cast for and against ~~said the~~ said the proposition at ~~said the~~
31 29 election. Whenever such a proposition has been approved by
31 30 the voters of a school corporation as hereinbefore provided,
31 31 no further approval of the voters of such school corporation
31 32 shall be required as a result of any subsequent change in the
31 33 boundaries of such school corporation.

31 34 Sec. 62. Section 298.18A, subsection 2, Code 2005, is
31 35 amended to read as follows:

32 1 2. The adjustment shall not result in a total amount
32 2 levied in excess of the two dollar and seventy cent per
32 3 thousand dollars of assessed valuation limit provided in
32 4 section 298.18. An adjustment in excess of the two dollar and
32 5 seventy cent per thousand dollars of assessed valuation limit
32 6 shall be subject to the ~~special~~ election provisions for
32 7 increases of up to four dollars and five cents per thousand
32 8 dollars of assessed valuation provisions of section 298.18.

32 9 Sec. 63. Section 298.21, unnumbered paragraph 1, Code
32 10 2005, is amended to read as follows:

32 11 The board of directors of any school corporation when
32 12 authorized by the voters at the regular election ~~or at a~~

~~32 13 special election called for that purpose,~~ may issue the
32 14 negotiable, interest-bearing school bonds of said corporation
32 15 for borrowing money for any or all of the following purposes:

32 16 Sec. 64. Section 300.2, unnumbered paragraph 1, Code 2005,
32 17 is amended to read as follows:

32 18 The board of directors of a school district may, and upon
32 19 receipt of a petition signed by eligible electors equal in
32 20 number to at least twenty-five percent of the number of voters
32 21 at the last preceding school election, shall, direct the
32 22 county commissioner of elections to submit to the registered
32 23 voters of the school district the question of whether to levy
32 24 a tax of not to exceed thirteen and one-half cents per
32 25 thousand dollars of assessed valuation for public educational
32 26 and recreational activities authorized under this chapter. ~~If~~
~~32 27 at the time of filing the petition, it is more than three~~
~~32 28 months until the next regular school election, the board of~~
~~32 29 directors shall submit the question at a special election~~
~~32 30 within sixty days. Otherwise, the~~ The question shall be
32 31 submitted at the next regular school election.

32 32 Sec. 65. Section 330.17, unnumbered paragraph 1, Code
32 33 2005, is amended to read as follows:

32 34 The council of any city or county which owns or acquires an
32 35 airport may, and upon the council's receipt of a valid
33 1 petition as provided in section 362.4, or receipt of a
33 2 petition by the board of supervisors as provided in section
33 3 331.306 shall, at a regular city election or a general
33 4 election if one is to be held within seventy-four days from
33 5 the filing of the petition, or otherwise at a special election
33 6 ~~called for that purpose,~~ submit to the voters the question as
33 7 to whether the management and control of the airport shall be
33 8 placed in an airport commission. If a majority of the voters
33 9 favors placing the management and control of the airport in an
33 10 airport commission, the commission shall be established as
33 11 provided in this chapter.

33 12 Sec. 66. Section 331.207, subsection 2, Code 2005, is
33 13 amended to read as follows:

33 14 2. The petition shall be filed with the county
33 15 commissioner by June 1 of an odd-numbered year, subject to
33 16 subsection 6. ~~The special election shall be held within sixty~~
~~33 17 days after the day the petition was received on the second~~
~~33 18 Tuesday in March following the filing of the petition.~~ Notice
33 19 of the special election question shall be published once each
33 20 week for three successive weeks in an official newspaper of
33 21 the county, shall state the representation plans to be
33 22 submitted to the electors, and shall state the date of the
33 23 special election ~~which.~~ The date of the last publication of
~~33 24 notice shall be held not less than five nor more than twenty~~
33 25 days from the date of ~~last publication~~ the election.

33 26 Sec. 67. Section 346.27, subsection 10, unnumbered
33 27 paragraph 1, Code 2005, is amended to read as follows:

33 28 After the incorporation of an authority, and before the
33 29 sale of any issue of revenue bonds, except refunding bonds,
33 30 the authority shall ~~call an election to decide~~ submit at a
~~33 31 general or special election~~ the question of whether the

33 32 authority shall issue and sell revenue bonds. The ballot
33 33 shall state the amount of the bonds and the purposes for which
33 34 the authority is incorporated. All registered voters of the
33 35 county shall be entitled to vote on the question. ~~The~~
~~34 1 question may be submitted at a general election or at a~~
~~34 2 special election.~~ An affirmative vote of a majority of the
34 3 votes cast on the question is required to authorize the
34 4 issuance and sale of revenue bonds.

34 5 Sec. 68. Section 347.23, unnumbered paragraph 1, Code
34 6 2005, is amended to read as follows:

34 7 Any hospital organized and existing as a city hospital may
34 8 become a county hospital organized and managed as provided for
34 9 in this chapter, upon a proposition for such purpose being
34 10 submitted to and approved by a majority of the electors of
34 11 both the city in which such hospital is located and of the
34 12 county under whose management it is proposed that such
34 13 hospital be placed, at any general or special election ~~called~~
~~34 14 for such purpose.~~ The proposition shall be placed upon the
34 15 ballot by the board of supervisors when requested by a
34 16 petition signed by eligible electors of the county equal in
34 17 number to five percent of the votes cast for president of the
34 18 United States or governor, as the case may be, at the last
34 19 general election. ~~The proposition may be submitted at the~~

~~34 20 next general election or at a special election called for that~~
~~34 21 purpose.~~ Upon the approval of the proposition the hospital,
34 22 its assets and liabilities, will become the property of the
34 23 county and this chapter will govern its future management.
34 24 The question shall be submitted in substantially the following
34 25 form: "Shall the municipal hospital of, Iowa, be
34 26 transferred to and become the property of, and be managed by
34 27 the county of, Iowa?"

34 28 Sec. 69. Section 347.23A, subsection 1, Code 2005, is
34 29 amended to read as follows:

34 30 1. A hospital established as a memorial hospital under
34 31 chapter 37 or a county hospital supported by revenue bonds and
34 32 organized under chapter 347A may become, in accordance with
34 33 the provisions of this section, a county hospital organized
34 34 and managed as provided for in this chapter. If the hospital
34 35 is established by a city as a memorial hospital, the city must
35 1 be located in the county which will own and manage the
35 2 hospital. A proposition for the change must be submitted to
35 3 and approved by a majority of the electors of the county which
35 4 will own and manage the hospital as provided for in this
35 5 chapter. In addition, if the hospital is a memorial hospital
35 6 organized by a city under chapter 37, the proposition must
35 7 also be approved by a majority of the electors of that city.
35 8 The proposition may be submitted to the electors at any
35 9 general or special election called by the county board of
35 10 supervisors ~~for this purpose.~~

35 11 Sec. 70. Section 368.19, unnumbered paragraph 1, Code
35 12 2005, is amended to read as follows:

35 13 The committee shall approve or disapprove the petition or
35 14 plan as amended, within ninety days of the final hearing, and
35 15 shall file its decision for record and promptly notify the
35 16 parties to the proceeding of its decision. If a petition or
35 17 plan is approved, the board shall ~~set a date not less than~~
~~35 18 thirty days nor more than ninety days after approval for~~
~~35 19 submit the proposal at a special election on the proposal and~~
35 20 the county commissioner of elections shall conduct the
35 21 election. In a case of incorporation or discontinuance,
35 22 registered voters of the territory or city may vote, and the
35 23 proposal is authorized if a majority of those voting approves
35 24 it. In a case of annexation or severance, registered voters
35 25 of the territory and of the city may vote, and the proposal is
35 26 authorized if a majority of the total number of persons voting
35 27 approves it. In a case of consolidation, registered voters of
35 28 each city to be consolidated may vote, and the proposal is
35 29 authorized only if it receives a favorable majority vote in
35 30 each city. The county commissioner of elections shall publish
35 31 notice of the election as provided in section 49.53 and shall
35 32 conduct the election in the same manner as other special ~~city~~
35 33 elections.

35 34 Sec. 71. Section 368.19, unnumbered paragraph 3, Code
35 35 2005, is amended to read as follows:

36 1 An incorporation election shall be held not less than fifty
36 2 days nor more than ninety days after approval of an
36 3 incorporation petition. The costs of an incorporation
36 4 election shall be borne by the initiating petitioners if the
36 5 election fails, but if the proposition is approved the cost
36 6 shall become a charge of the new city.

36 7 Sec. 72. Section 372.2, subsection 2, unnumbered paragraph

36 8 1, Code 2005, is amended to read as follows:

36 9 Within fifteen days after receiving a valid petition, the
36 10 council shall publish notice of the date that a special city
36 11 election will be held to determine whether the city shall
36 12 change to a different form of government. The election date
36 13 shall be ~~not more than sixty days after the publication as~~
36 14 ~~specified in section 39.2. If the next ensuing special~~
36 15 ~~election is more than sixty days after the publication, the~~
36 16 ~~council shall publish another notice fifteen days before the~~
36 17 ~~election.~~ The notice shall include a statement that the
36 18 filing of a petition for appointment of a home rule charter
36 19 commission will delay the election until after the home rule
36 20 charter commission has filed a proposed charter. Petition
36 21 requirements and filing deadlines shall also be included in
36 22 the notice.

36 23 Sec. 73. Section 372.3, Code 2005, is amended to read as
36 24 follows:

36 25 372.3 HOME RULE CHARTER.

36 26 If a petition for appointment of a home rule charter com-
36 27 mission is filed with the city clerk not more than ten days
36 28 after the council has published the first notice announcing
36 29 the date of the special election on adoption of another form
36 30 of government, the special election shall not be held until
36 31 the charter proposed by the home rule charter commission is
36 32 filed. Both forms must be published as provided in section
36 33 372.9 and submitted to the voters at the special election.

36 34 Sec. 74. Section 372.9, subsection 3, Code 2005, is
36 35 amended to read as follows:

37 1 3. The proposed home rule charter must be submitted at a
37 2 special ~~city~~ election on a date ~~selected by the mayor and~~
37 3 ~~council specified in section 39.2 and in accordance with~~
37 4 section 47.6. However, the date of the ~~election last~~
37 5 ~~publication~~ must be not less than thirty nor more than sixty
37 6 days ~~after before~~ the ~~last publication of the proposed home~~
37 7 ~~rule charter election.~~

37 8 Sec. 75. Section 372.13, subsection 11, unnumbered
37 9 paragraph 1, Code 2005, is amended to read as follows:

37 10 Council members shall be elected according to the council
37 11 representation plans under sections 372.4 and 372.5. However,
37 12 the council representation plan may be changed, by petition
37 13 and election, to one of those described in this subsection.
37 14 Upon receipt of a valid petition, as defined in section 362.4,
37 15 requesting a change to a council representation plan, the
37 16 council shall submit the question at a special ~~city~~ election
37 17 ~~to be held within sixty days.~~ If a majority of the persons
37 18 voting at the special election approves the changed plan, it
37 19 becomes effective at the beginning of the term following the
37 20 next regular city election. If a majority does not approve
37 21 the changed plan, the council shall not submit another
37 22 proposal to change a plan to the voters within the next two
37 23 years.

37 24 Sec. 76. Section 376.2, unnumbered paragraph 2, Code 2005,
37 25 is amended to read as follows:

37 26 Except as otherwise provided by state law or the city
37 27 charter, terms for elective offices are two years. However,
37 28 the term of an elective office may be changed to two or four
37 29 years by petition and election. Upon receipt of a valid
37 30 petition as defined in section 362.4, requesting that the term
37 31 of an elective office be changed, the council shall submit the
37 32 question at a special ~~city~~ election ~~to be held within sixty~~
37 33 ~~days after the petition is received. The special election~~
37 34 ~~shall be held more than ninety days before the regular city~~
37 35 ~~election if the change shall go into effect at the next~~

38 1 ~~regular city election.~~ If a majority of the persons voting at
38 2 the special election approves the changed term, it becomes
38 3 effective at the beginning of the term following the next
38 4 regular city election. If a majority does not approve the
38 5 changed term, the council shall not submit the same proposal
38 6 to the voters within the next four years.

38 7 Sec. 77. Section 384.26, subsection 2, unnumbered
38 8 paragraph 1, Code 2005, is amended to read as follows:

38 9 Before the council may institute proceedings for the
38 10 issuance of bonds for a general corporate purpose, it shall
38 11 call a special ~~city~~ election to vote upon the question of
38 12 issuing the bonds. At the election the proposition must be
38 13 submitted in the following form:

38 14 Sec. 78. Section 423B.1, subsection 5, Code 2005, is
38 15 amended to read as follows:

38 16 5. The county commissioner of elections shall submit the
38 17 question of imposition of a local option tax at a state
38 18 general election or at a special election held ~~at any time~~

~~38 19 other than the time of a city regular election on the second~~
~~38 20 Tuesday in March.~~ The election shall not be held sooner than
38 21 sixty days after publication of notice of the ballot
38 22 proposition. The ballot proposition shall specify the type
38 23 and rate of tax and in the case of a vehicle tax the classes
38 24 that will be exempt and in the case of a local sales and
38 25 services tax the date it will be imposed which date shall not
38 26 be earlier than ninety days following the election. The
38 27 ballot proposition shall also specify the approximate amount
38 28 of local option tax revenues that will be used for property
38 29 tax relief and shall contain a statement as to the specific
38 30 purpose or purposes for which the revenues shall otherwise be
38 31 expended. If the county board of supervisors decides under
38 32 subsection 6 to specify a date on which the local option sales
38 33 and services tax shall automatically be repealed, the date of
38 34 the repeal shall also be specified on the ballot. The rate of
38 35 the vehicle tax shall be in increments of one dollar per
39 1 vehicle as set by the petition seeking to impose the tax. The
39 2 rate of a local sales and services tax shall not be more than
39 3 one percent as set by the governing body. The state
39 4 commissioner of elections shall establish by rule the form for
39 5 the ballot proposition which form shall be uniform throughout
39 6 the state.

39 7 Sec. 79. Section 423E.2, subsection 2, paragraph a, Code
39 8 2005, is amended to read as follows:

39 9 a. Upon receipt by a county board of supervisors of a
39 10 petition requesting imposition of a local sales and services
39 11 tax for infrastructure purposes, signed by eligible electors
39 12 of the whole county equal in number to five percent of the
39 13 persons in the whole county who voted at the last preceding
39 14 state general election, the board shall within thirty days
39 15 direct the county commissioner of elections to submit the
39 16 question of imposition of the tax to the registered voters of
39 17 the whole county at the general election or at a special
39 18 election.

39 19 Sec. 80. Section 277.2, Code 2005, is repealed.

39 20 Sec. 81. APPLICABILITY DATE. This division of this Act
39 21 applies to elections held on or after January 1, 2006.

39 22 DIVISION V
39 23 ELECTION OF SCHOOL CORPORATION
39 24 BOARDS OF DIRECTORS

39 25 Sec. 82. Section 39.24, Code 2005, is amended to read as
39 26 follows:

39 27 39.24 SCHOOL OFFICERS.

39 28 Members of boards of directors of community and independent
39 29 school districts, and boards of directors of merged areas
39 30 shall be elected at the school election. Their terms of
39 31 office shall be ~~three~~ four years, except as otherwise provided
39 32 by section 260C.11, ~~260C.13, or 275.23A, 275.37, or 275.37A.~~

39 33 Sec. 83. Section 260C.11, unnumbered paragraph 1, Code
39 34 2005, is amended to read as follows:

39 35 The governing board of a merged area is a board of
40 1 directors composed of one member elected from each director
40 2 district in the area by the electors of the respective
40 3 district. Members of the board shall be residents of the
40 4 district from which elected. Successors shall be chosen at
40 5 the ~~annual~~ regular school elections for members whose terms
40 6 expire. The term of a member of the board of directors is
40 7 ~~three~~ four years and commences at the organization meeting.
40 8 Vacancies on the board shall be filled at the next regular
40 9 meeting of the board by appointment by the remaining members
40 10 of the board. A member so chosen shall be a resident of the
40 11 district in which the vacancy occurred and shall serve until a
40 12 member is elected pursuant to section 69.12 to fill the
40 13 vacancy for the balance of the unexpired term. A vacancy is
40 14 defined in section 277.29. A member shall not serve on the
40 15 board of directors who is a member of a board of directors of
40 16 a local school district or a member of an area education
40 17 agency board.

40 18 Sec. 84. Section 260C.12, unnumbered paragraph 1, Code
40 19 2005, is amended to read as follows:

40 20 The board of directors of the merged area shall organize at
40 21 the first regular meeting in October ~~of each year following~~
40 22 the regular school election. Organization of the board shall
40 23 be effected by the election of a president and other officers
40 24 from the board membership as board members determine. The
40 25 board of directors shall appoint a secretary and a treasurer
40 26 who shall each give bond as prescribed in section 291.2 and
40 27 who shall each receive the salary determined by the board.
40 28 The secretary and treasurer shall perform duties under chapter
40 29 291 and additional duties the board of directors deems

40 30 necessary. However, the board may appoint one person to serve
40 31 as the secretary and treasurer. If one person serves as the
40 32 secretary and treasurer, only one bond is necessary for that
40 33 person. The frequency of meetings other than organizational
40 34 meetings shall be as determined by the board of directors but
40 35 the president or a majority of the members may call a special
41 1 meeting at any time.

41 2 Sec. 85. Section 260C.13, subsection 1, Code 2005, is
41 3 amended to read as follows:

41 4 1. The board of a merged area may change the number of
41 5 directors on the board and shall make corresponding changes in
41 6 the boundaries of director districts. Changes shall be
41 7 completed not later than June 1 ~~for the regular school~~
~~41 8 election to be held the next following September of the year~~
~~41 9 of the regular school election.~~ As soon as possible after
41 10 adoption of the boundary changes, notice of changes in the
41 11 director district boundaries shall be submitted by the merged
41 12 area to the county commissioner of elections in all counties
41 13 included in whole or in part in the merged area.

41 14 Sec. 86. Section 260C.15, subsection 1, Code 2005, is
41 15 amended to read as follows:

41 16 1. Regular elections held ~~annually~~ by the merged area for
41 17 the election of members of the board of directors as required
41 18 by section 260C.11, for the renewal of the twenty and one=
41 19 fourth cents per thousand dollars of assessed valuation levy
41 20 authorized in section 260C.22, or for any other matter
41 21 authorized by law and designated for election by the board of
41 22 directors of the merged area, shall be held on the date of the
41 23 school election as fixed by section 277.1. The election
41 24 notice shall be made a part of the local school election
41 25 notice published as provided in section 49.53 in each local
41 26 school district where voting is to occur in the merged area
41 27 election and the election shall be conducted by the county
41 28 commissioner of elections pursuant to chapters 39 to 53 and
41 29 section 277.20.

41 30 Sec. 87. Section 260C.22, subsection 1, paragraph a, Code
41 31 2005, is amended to read as follows:

41 32 a. In addition to the tax authorized under section
41 33 260C.17, the voters in ~~any a~~ merged area may at the ~~annual~~
41 34 ~~regular~~ school election vote a tax not exceeding twenty and
41 35 one-fourth cents per thousand dollars of assessed value in any
42 1 one year for a period not to exceed ten years for the purchase
42 2 of grounds, construction of buildings, payment of debts
42 3 contracted for the construction of buildings, purchase of
42 4 buildings and equipment for buildings, and the acquisition of
42 5 libraries, for the purpose of paying costs of utilities, and
42 6 for the purpose of maintaining, remodeling, improving, or
42 7 expanding the community college of the merged area. If the
42 8 tax levy is approved under this section, the costs of
42 9 utilities shall be paid from the proceeds of the levy. The
42 10 tax shall be collected by the county treasurers and remitted
42 11 to the treasurer of the merged area as provided in section
42 12 331.552, subsection 29. The proceeds of the tax shall be
42 13 deposited in a separate and distinct fund to be known as the
42 14 voted tax fund, to be paid out upon warrants drawn by the
42 15 president and secretary of the board of directors of the
42 16 merged area district for the payment of costs incurred in
42 17 providing the school facilities for which the tax was voted.

42 18 Sec. 88. Section 273.8, subsections 1 and 7, Code 2005,
42 19 are amended to read as follows:

42 20 1. BOARD OF DIRECTORS. The board of directors of an area
42 21 education agency shall consist of not less than five nor more
42 22 than nine members, each a resident of and elected in the
42 23 manner provided in this section from a director district that
42 24 is approximately equal in population to the other director
42 25 districts in the area education agency. Each director shall
42 26 serve a ~~three-year~~ four-year term which commences at the
42 27 organization meeting.

42 28 7. BOUNDARY LINE CHANGES. To the extent possible the
42 29 board shall provide that changes in the boundary lines of
42 30 director districts of area education agencies shall not
42 31 lengthen or diminish the term of office of a director of an
42 32 area education agency board. Initial terms of office shall be
42 33 set by the board so that as nearly as possible the terms of
42 34 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

42 35 Sec. 89. Section 273.8, subsection 2, paragraphs a and b,
43 1 Code 2005, are amended to read as follows:

43 2 a. Notice of the election shall be published by the area
43 3 education agency administrator not later than July 15 of the
43 4 odd-numbered year in at least one newspaper of general
43 5 circulation in the director district. The cost of publication

43 6 shall be paid by the area education agency.

43 7 b. A candidate for election to the area education agency
43 8 board shall file a statement of candidacy with the area
43 9 education agency secretary not later than August 15 of the
43 10 odd-numbered year, on forms prescribed by the department of
43 11 education. The statement of candidacy shall include the
43 12 candidate's name, address, and school district. The list of
43 13 candidates shall be sent by the secretary of the area
43 14 education agency in ballot form by certified mail to the
43 15 presidents of the boards of directors of all school districts
43 16 within the director district not later than September 1. In
43 17 order for the ballot to be counted, the ballot must be
43 18 received in the secretary's office by the end of the normal
43 19 business day on September 30 or be clearly postmarked by an
43 20 officially authorized postal service not later than September
43 21 29 and received by the secretary not later than noon on the
43 22 first Monday following September 30.

43 23 Sec. 90. Section 273.8, subsection 4, unnumbered paragraph
43 24 1, Code 2005, is amended to read as follows:

43 25 The board of directors of each area education agency shall
43 26 meet and organize at the first regular meeting in October ~~of~~
43 27 ~~each year following the regular school election~~ at a suitable
43 28 place designated by the president. Directors whose terms
43 29 commence at the organization meeting shall qualify by taking
43 30 the oath of office required by section 277.28 at or before the
43 31 organization meeting.

43 32 Sec. 91. Section 274.7, Code 2005, is amended to read as
43 33 follows:

43 34 274.7 DIRECTORS.

43 35 The affairs of each school corporation shall be conducted
44 1 by a board of directors, the members of which in all community
44 2 or independent school districts shall be chosen for a term of
44 3 ~~three~~ four years.

44 4 Sec. 92. Section 275.1, subsections 2 and 5, Code 2005,
44 5 are amended to read as follows:

44 6 2. "Initial board" means the board of a newly reorganized
44 7 district that is selected pursuant to section 275.25 or 275.41
44 8 and functions until the organizational meeting following the
44 9 ~~fourth~~ third regular school election held after the effective
44 10 date of the reorganization.

44 11 5. "Regular board" means the board of a reorganized
44 12 district that begins to function at the organizational meeting
44 13 following the ~~fourth~~ third regular school election held after
44 14 the effective date of the school reorganization, and is
44 15 comprised of members who were elected to the current terms or
44 16 were appointed to replace members who were elected.

44 17 Sec. 93. Section 275.12, subsection 2, paragraphs b, c, d,
44 18 and e, Code 2005, are amended to read as follows:

44 19 b. Division of the entire school district into designated
44 20 geographical single director or multi=director subdistricts on
44 21 the basis of population for each director, to be known as
44 22 director districts, each of which ~~director districts~~ shall be
44 23 represented on the school board by one or more directors who
44 24 shall be residents of the director district but who shall be
44 25 elected by the vote of the electors of the entire school
44 26 district. The boundaries of the director districts and the
44 27 area and population included within each district shall be
44 28 such as justice, equity, and the interests of the people may
44 29 require. Changes in the boundaries of director districts
44 30 shall not be made during a period commencing sixty days prior
44 31 to the date of the ~~annual~~ regular school election. Insofar As
44 32 far as may be practicable, the boundaries of the districts
44 33 shall follow established political or natural geographical
44 34 divisions.

44 35 c. Election of not more than one-half of the total number
45 1 of school directors at large from the entire district and the
45 2 remaining directors from and as residents of designated
45 3 single=member or multimember director districts into which the
45 4 entire school district shall be divided on the basis of
45 5 population for each director. In such case, all directors
45 6 shall be elected by the electors of the entire school
45 7 district. Changes in the boundaries of director districts
45 8 shall not be made during a period commencing sixty days prior
45 9 to the date of the ~~annual~~ regular school election.

45 10 d. Division of the entire school district into designated
45 11 geographical single director or multi=director subdistricts on
45 12 the basis of population for each director, to be known as
45 13 director districts, each of which ~~director districts~~ shall be
45 14 represented on the school board by one or more directors who
45 15 shall be residents of the director district and who shall be
45 16 elected by the voters of the director district. Place of

45 17 voting in the director districts shall be designated by the
45 18 commissioner of elections. Changes in the boundaries of
45 19 director districts shall not be made during a period
45 20 commencing sixty days prior to the date of the ~~annual~~ regular
45 21 school election.

45 22 e. In districts having seven directors, election of three
45 23 directors at large by the electors of the entire district, ~~one~~
45 24 ~~no more than two~~ at each ~~annual~~ regular school election, and
45 25 election of the remaining directors as residents of and by the
45 26 electors of individual geographic subdistricts established on
45 27 the basis of population and identified as director districts,
45 28 ~~no more than two at a regular school election.~~ Boundaries of
45 29 the subdistricts shall follow precinct boundaries, ~~insofar as~~
45 30 ~~far~~ as practicable, and shall not be changed less than sixty
45 31 days prior to the ~~annual~~ regular school election.

45 32 Sec. 94. Section 275.25, subsection 3, Code 2005, is
45 33 amended to read as follows:

45 34 3. The directors who are elected and qualify to serve
45 35 shall serve until their successors are elected and qualify.
46 1 At the special election, the newly elected ~~director~~ directors
46 2 receiving the most votes shall be elected to serve until ~~the~~
46 3 ~~director's successor qualifies~~ their successors qualify after
46 4 the ~~fourth~~ third regular school election date occurring after
46 5 the effective date of the reorganization ~~and~~ and the two newly
46 6 elected directors receiving the next largest number of votes
46 7 shall be elected to serve until the directors' successors
46 8 qualify after the ~~third~~ second regular school election date
46 9 occurring after the effective date of the reorganization ~~and~~
46 10 ~~the two newly elected directors receiving the next largest~~
46 11 ~~number of votes shall be elected to serve until the directors'~~
46 12 ~~successors qualify after the second regular school election~~
46 13 ~~date occurring after the effective date of the reorganization.~~
46 14 However, in districts that include all or a part of a city of
46 15 fifteen thousand or more population and in districts in which
46 16 the proposition to establish a new corporation provides for
46 17 the election of seven directors, the ~~three newly elected~~
46 18 ~~directors receiving the most votes shall be elected to serve~~
46 19 ~~until the directors' successors qualify after the fourth~~
46 20 ~~regular school election date occurring after the effective~~
46 21 ~~date of the reorganization~~ timelines specified in this
46 22 subsection for the terms of office apply to the four newly
46 23 elected directors receiving the most votes and then to the
46 24 three newly elected directors receiving the next largest
46 25 number of votes.

46 26 Sec. 95. Section 275.37, Code 2005, is amended to read as
46 27 follows:

46 28 275.37 INCREASE IN NUMBER OF DIRECTORS.

46 29 At the next succeeding ~~annual~~ regular school election in a
46 30 district where the number of directors has been increased from
46 31 five to seven, and directors are elected at large, there shall
46 32 be elected a director to succeed each incumbent director whose
46 33 term is expiring in that year, and two additional directors.
46 34 Upon organizing as required by section 279.1, ~~either one or~~
46 35 ~~two of~~ the newly elected ~~director~~ directors who received the
47 1 fewest votes in the election shall be assigned a term of
47 2 ~~either one year or two years~~ if as necessary in order that as
47 3 nearly as possible ~~one-third~~ one-half of the members of the
47 4 board shall be elected ~~each year~~ biennially. If some or all
47 5 directors are elected from director districts, the board shall
47 6 assign terms appropriate for the method of election used by
47 7 the district.

47 8 Sec. 96. Section 275.37A, Code 2005, is amended to read as
47 9 follows:

47 10 275.37A DECREASE IN NUMBER OF DIRECTORS.

47 11 1. A change from seven to five directors shall be effected
47 12 in a district at the first regular school election after
47 13 authorization by the voters in the following manner:

47 14 a. If at the first election in the district there are
47 15 ~~three~~ four terms expiring, ~~one director~~ three directors shall
47 16 be elected. At the second election in that district, if ~~two~~
47 17 three terms are expiring, two directors shall be elected. ~~At~~
47 18 ~~the third election in that district, if there are two terms~~
47 19 ~~expiring, two directors shall be elected.~~

47 20 b. If at the first election there are ~~two~~ three terms
47 21 expiring, ~~no two~~ directors shall be elected. At the second
47 22 election in that district, if ~~two~~ four terms are expiring, ~~two~~
47 23 three directors shall be elected. ~~At the third election in~~
47 24 ~~that district, if there are three terms expiring, three~~
47 25 ~~directors shall be elected, two for three years and one for~~
47 26 ~~one year. The newly elected director who received the fewest~~
47 27 ~~votes in the election shall be assigned a term of one year.~~

47 28 ~~c. If at the first election there are two terms expiring,~~
47 29 ~~no directors shall be elected. At the second election in that~~
47 30 ~~district, if three terms are expiring, three directors shall~~
47 31 ~~be elected, two for three years and one for two years. The~~
47 32 ~~newly elected director who received the fewest votes in the~~
47 33 ~~election shall be assigned a term of two years. At the third~~
47 34 ~~election in that district, if there are two terms expiring,~~
47 35 ~~two directors shall be elected.~~

48 1 2. If some or all of the directors are elected from
48 2 director districts, the board shall devise a plan to reduce
48 3 the number of members so that as nearly as possible ~~one-third~~
48 4 ~~one-half~~ of the members of the board shall be elected ~~each~~
48 5 ~~year~~ biennially and so that each district will be continuously
48 6 represented.

48 7 Sec. 97. Section 275.38, Code 2005, is amended to read as
48 8 follows:

48 9 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

48 10 If change in the method of election of school directors is
48 11 approved at a regular or special school election, the
48 12 directors who were serving unexpired terms or were elected
48 13 concurrently with approval of the change of method shall serve
48 14 out the terms for which they were elected. If the plan
48 15 adopted is that described in section 275.12, subsection 2,
48 16 paragraph "b," "c," "d," or "e," "b," "c," "d," or "e," the
48 17 board shall at the earliest practicable time designate the
48 18 districts from which residents are to be elected as school
48 19 directors at each of the next ~~three~~ two succeeding ~~annual~~
48 20 regular school elections, arranging so far as possible for
48 21 elections of directors as residents of the respective
48 22 districts to coincide with the expiration of terms of
48 23 incumbent members residing in those districts. If an increase
48 24 in the size of the board from five to seven members is
48 25 approved concurrently with the change in method of election of
48 26 directors, the board shall make the necessary adjustment in
48 27 the manner prescribed in section 275.37, as well as providing
48 28 for implementation of the districting plan under this section.

48 29 Sec. 98. Section 275.41, subsection 3, Code 2005, is
48 30 amended to read as follows:

48 31 3. Prior to the effective date of the reorganization, the
48 32 initial board shall approve a plan that commences at the
48 33 ~~second~~ first regular school election held after the effective
48 34 date of the merger and is completed at the ~~fourth~~ third
48 35 regular school election held after the effective date of the
49 1 merger, to replace the initial board with the regular board.
49 2 If the petition specifies a number of directors on the regular
49 3 board to be different from the number of directors on the
49 4 initial board, the plan shall provide that the number
49 5 specified in the petition for the regular board is in place by
49 6 the time the regular board is formed. The plan shall provide
49 7 that as nearly as possible ~~one-third~~ one-half of the members
49 8 of the board shall be elected ~~each year~~ biennially, and if a
49 9 special election was held to elect a member to create an odd
49 10 number of members on the board, the term of that member shall
49 11 end at the organizational meeting following the ~~fourth~~ third
49 12 regular school election held after the effective date.

49 13 Sec. 99. Section 277.1, Code 2005, is amended to read as
49 14 follows:

49 15 277.1 REGULAR ELECTION.

49 16 The regular election shall be held ~~annually~~ biennially on
49 17 the second Tuesday in September of ~~each odd-numbered year~~ in
49 18 each school district for the election of officers of the
49 19 district and merged area and for the purpose of submitting to
49 20 the voters any matter authorized by law.

49 21 Sec. 100. Section 277.25, Code 2005, is amended to read as
49 22 follows:

49 23 277.25 DIRECTORS IN NEW DISTRICTS.

49 24 At the first election in newly organized districts the
49 25 directors shall be elected as follows:

49 26 1. In districts having three directors, ~~one director~~ two
49 27 ~~directors~~ shall be elected for ~~one year, one for two years,~~
49 28 and one for ~~three~~ four years.

49 29 2. In districts having five directors, ~~two~~ three shall be
49 30 elected for ~~one year, two for two years,~~ and ~~one~~ two for ~~three~~
49 31 four years.

49 32 3. In districts having seven directors, ~~two~~ four shall be
49 33 elected for ~~one year, two for two years,~~ and three for ~~three~~
49 34 four years.

49 35 Sec. 101. Section 278.2, unnumbered paragraph 2, Code
50 1 2005, is amended to read as follows:

50 2 Petitions filed under this section shall be filed with the
50 3 secretary of the school board at least seventy-five days

50 4 before the date of the ~~annual~~ regular school election, if the
50 5 question is to be included on the ballot at that election.
50 6 The petition shall include the signatures of the petitioners,
50 7 a statement of their place of residence, and the date on which
50 8 they signed the petition.

50 9 Sec. 102. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.
50 10 This division of this Act, being deemed of immediate
50 11 importance, takes effect upon enactment, for purposes of the
50 12 transition from election of directors of community and
50 13 independent school districts, merged areas, and area education
50 14 agencies annually from terms of three years each to the
50 15 staggered election of such directors biennially for terms of
50 16 four years each. This Act shall be applied so that the first
50 17 election at which directors, due to the expiration of
50 18 predecessor director terms, shall be elected to serve regular
50 19 four-year terms is the regular school election held in
50 20 September 2007 or the director district conventions held in
50 21 September 2007.

50 22 The board of directors of each affected school district and
50 23 each merged area and area education agency shall review the
50 24 expiration dates of the terms of office of its directors and
50 25 shall adopt by resolution a plan for shortening or lengthening
50 26 terms of members for the annual school election or director
50 27 district convention held in September 2005 and September 2006
50 28 so that all members whose terms expire at the regular school
50 29 election or director district convention held in September
50 30 2007 will be elected to four-year terms with the remaining
50 31 members of the board having their terms expire at the regular
50 32 school election or director district convention held in
50 33 September 2009. The board shall submit a copy of the
50 34 resolution adopting its plan to the office of the state
50 35 commissioner of elections no later than August 1, 2006. In
51 1 developing the plan, the board of directors shall take into
51 2 consideration the terms for which the members were elected and
51 3 the number of votes the members received in relation to the
51 4 number of votes other candidates received at the applicable
51 5 election or director district convention.

51 6 EXPLANATION

51 7 This bill makes various changes to the Code relating to the
51 8 conduct of elections, voting, and voter registration.

51 9 Division I of the bill amends provisions relating to the
51 10 conduct of elections as follows:

51 11 Code section 43.6 is amended to provide that if a vacancy
51 12 in a county office occurs more than 73 days before the primary
51 13 election, political party candidates to fill that office at
51 14 the general elections shall be nominated at the primary
51 15 election.

51 16 Code sections 43.14 and 45.5, relating to the form of
51 17 nomination papers filed for the primary election or filed by
51 18 persons nominated by petition, are amended to provide that a
51 19 signature line shall not be counted if the signer's address is
51 20 obviously outside of the appropriate area or district. Code
51 21 section 45.5 is further amended, along with Code section 45.6,
51 22 to clarify that a person signing a nomination petition must be
51 23 a resident of the appropriate ward, city, county, or district.

51 24 Code sections 47.1 and 47.7 are amended to provide that any
51 25 expenditure of money by the state commissioner of elections,
51 26 the state registrar of voters, or the voter registration
51 27 commission which exceeds \$100,000 and is related to
51 28 implementation of the Help America Vote Act must first be
51 29 approved by the legislative council. The secretary of state
51 30 serves as the state commissioner of elections and the state
51 31 registrar of voters.

51 32 Code section 49.14 is amended to remove the requirement
51 33 that a majority of the members of the original precinct
51 34 election board be present at the precinct polling place at all
51 35 times on election day. However, the division does require
52 1 that the chairperson of the precinct election board be present
52 2 at the precinct polling place at all times on election day.

52 3 Code section 49.57 is amended to remove the requirement
52 4 that the names of candidates and political parties appear in
52 5 all capital letters on ballots. The section is also amended
52 6 to allow the names of political parties and nonparty political
52 7 organizations to be abbreviated on ballots if the
52 8 abbreviations are printed with the full name in the "Straight
52 9 Party" and "Other Political Party" areas of the ballot.
52 10 Finally, the Code section is amended to require a minimum font
52 11 size on ballots for constitutional convention questions,
52 12 constitutional amendments, and public measures. A
52 13 corresponding amendment is made to Code section 52.25.

52 14 Code section 49.73 is amended to change the time for

52 15 closing precinct polling places from 9 p.m. to 8 p.m. for all
52 16 elections.

52 17 Code section 49.77 is amended to specify that the
52 18 requirement that a voter whose name does not appear on the
52 19 election register show identification is in order to establish
52 20 residency in the precinct. The Code section is also amended
52 21 to require that all voters show photographic identification
52 22 containing the signature of the voter.

52 23 Code section 49.79 is amended to provide a specific list of
52 24 reasons that a person may be challenged as unqualified to
52 25 vote.

52 26 Code section 50.16, relating to preparation of tally lists,
52 27 is amended to make a technical correction changing "officer"
52 28 to "office" and is further amended to remove the A.D. (anno
52 29 Domini) abbreviation from the space for the date on the tally
52 30 list.

52 31 Code section 54.5 is amended to provide that the deadline
52 32 for the filing of presidential nomination documents is 5 p.m.
52 33 on the fifth day following adjournment of the national
52 34 nominating convention.

52 35 This division of the bill applies to elections held on or
53 1 after January 1, 2006.

53 2 Division II of the bill makes changes relating to absentee
53 3 voting.

53 4 Code section 39A.4 is amended to prohibit incumbent
53 5 officeholders and candidates seeking offices on the ballot
53 6 from serving as observers or challengers of the process of
53 7 counting absentee ballots. Candidates and officeholders are
53 8 currently prohibited from serving in this capacity at the
53 9 polls on election day.

53 10 Code section 53.8 is amended to clarify that voters who
53 11 expect to be patients or residents of health care facilities
53 12 or hospitals on election day are not prohibited from voting
53 13 absentee in person at the commissioner's office.

53 14 Code section 53.38 is amended to provide that military and
53 15 overseas voters are not subject to the requirement for persons
53 16 registering by mail to provide identification when voting nor
53 17 are they subject to the requirement that identification
53 18 numbers on absentee ballots be verified.

53 19 Code section 53.41 is amended to provide that if more than
53 20 one request is received by the commissioner for an absentee
53 21 ballot for a military and overseas voter, the last request
53 22 received shall be honored, except that the voter's request
53 23 shall take preference over a request made by another person on
53 24 the voter's behalf. Code section 53.41 is also amended to
53 25 allow military and overseas voters to update their absentee
53 26 ballot requests with new address information during the two=
53 27 year period covered by the original application. The Code
53 28 section is also amended to permit the mailing of a replacement
53 29 absentee ballot to a military or overseas voter who reports a
53 30 change of address after a ballot has been mailed to the voter.

53 31 Code section 53.44 is amended to exempt military and
53 32 overseas voters from the restrictions that apply to returning
53 33 absentee ballots.

53 34 Code section 53.53 is amended to allow a member of the
53 35 armed forces to return an absentee ballot from within the
54 1 United States if the person is on active duty within the
54 2 United States. The Code section is also amended to provide
54 3 that a federal write-in ballot shall not be counted if the
54 4 voter's application for a regular absentee ballot was received
54 5 by the commissioner less than 14 days before the election.
54 6 Currently, the receipt date is 30 days before the election.

54 7 Code section 53.11, allowing for satellite absentee voting,
54 8 is repealed and corresponding amendments are made to Code
54 9 sections 49.63, 53.7, 53.8, and 53.22.

54 10 This division of the bill applies to elections held on or
54 11 after January 1, 2006.

54 12 Division III of the bill makes changes relating to voter
54 13 registration.

54 14 Code section 48A.2 is amended to add a definition of "voter
54 15 registration list".

54 16 Code section 48A.11 is amended to provide that a voter
54 17 registration application lacking the signature of the
54 18 registrant shall not be processed.

54 19 Code section 48A.25A is amended to include the social
54 20 security administration, along with the state department of
54 21 transportation, as a source for verifying the last four digits
54 22 of the social security number provided by a voter registration
54 23 applicant. The Code section is also amended to clarify that
54 24 it is the county commissioner of registration who is
54 25 responsible for verifying voter registration application

54 26 information. Finally, the Code section is amended to provide
54 27 that all military and overseas voters are exempt from the
54 28 verification requirements.

54 29 This division of the bill applies to elections held on or
54 30 after January 1, 2006.

54 31 Division IV makes changes relating to the dates that
54 32 certain local government special elections can be held.

54 33 Division IV of the bill provides that special elections of
54 34 a county or city shall be held on the date of the general
54 35 election or of the regular city election or on the second
55 1 Tuesday in March of each year. The division also provides
55 2 that merged area and school district special elections shall
55 3 be held on the same date as the regular school election. The
55 4 division applies to elections on public measures and not to
55 5 special elections to elect public officers of a school
55 6 corporation, county, or city.

55 7 The division amends Code section 47.6 to conform filing
55 8 deadlines to the special election dates, including filing
55 9 deadlines for vacancies in city or county offices.

55 10 The division amends Code section 69.12 to strike the filing
55 11 deadline for vacancies that occur 40 days before a special
55 12 election.

55 13 Code section 331.207 is amended to provide that the special
55 14 election to change a county board of supervisors
55 15 representation plan is changed from within 60 days after the
55 16 day the petition was received to the second Tuesday in March
55 17 of the odd-numbered year.

55 18 Code section 368.19 is amended to change the timeline for
55 19 holding city incorporation elections to conform to the filing
55 20 deadlines for special elections.

55 21 The division does not amend provisions relating to special
55 22 elections which are held at no cost to the city or county.
55 23 These include special elections for designation of an official
55 24 county fair, city franchise elections, and city incorporation
55 25 elections (depending on the outcome of the election).

55 26 This division of the bill applies to elections held on or
55 27 after January 1, 2006.

55 28 Division V of the bill provides for the election of the
55 29 directors of local school districts and merged areas in
55 30 September in odd-numbered years. Area education agencies are
55 31 required by law to hold their director district conventions
55 32 within two weeks of the regular school election. Area
55 33 education agency board directors are elected at those
55 34 conventions. In order to accomplish these purposes, the
55 35 division changes the terms of all of these directors from
56 1 three to four years and provides for a transition period.

56 2 The division takes effect upon enactment for purposes of
56 3 holding the area education agency director district
56 4 conventions in September 2007, and the first biennial regular
56 5 school election in September 2007.

56 6 Additional conforming amendments to the Code may be
56 7 necessary to fully implement the division's provisions.

56 8 LSB 1579YC 81
56 9 sc:nh/sh/8